IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 21545 of 2000(M)

PETITIONER:

ABDUL MANAF, S/O. MOIDEEN, MATTUMMAL,
ATHAVANAD.P.O., MALAPPURAM DISTRICT,
(THROUGH POWER OF ATTORNEY HOLDER
P. BALAKRISHNA KURUP, S/O. CHANDU KURUP,
TIRUR, NARUPATTA, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, TRIVANDRUM.**
2. **SECRETARY TO THE GOVERNMENT, LABOUR DEPARTMENT, TRIVANDRUM.**
3. **DISTRICT EXECUTIVE OFFICER, KERALA MOTOR WORKERS WELFARE FUND BOARD, MALAPPURAM.**
4. **DISTRICT COLLECTOR, MALAPPURAM.**
5. **DEPUTY TAHSILDAR (REVENUE RECOVERY), TALUK OFFICE, TIRUR.**

BY GOVT. PLEADER SMT. T.B. RAMANI FOR R1,R2 R4 & R5,
ADV. SRI. P. RAMAKRISHNAN FOR R3.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 36198/2000 IN O.P. NO. 21545/2000-M

DISMISSED

06/09/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE STAGE CARRIAGE PERMIT ISSUED IN THE NAME OF THE ASSIGNEE DTD. 25/04/1995.

EXT.P.2: COPY OF THE ORDER DTD. 10/09/1999 IN EM 678/96-97.

EXT.P.3: COPY OF THE ORDER DTD. 16/11/1999 IN EM 678/97-98.

EXT.P.4: COPY OF THE ORDER DTD. 16/11/1999 IN EM 678/98-99.

EXT.P.5: COPY OF THE APPEAL FILED AGAINST EXHIBIT P.2. ORDER.

EXT.P.6: COPY OF THE APPEAL FILED AGAINST EXHIBIT P.3 ORDER.

EXT.P.7: COPY OF THE APPEAL FILED AGAINST EXHIBIT P.4. ORDER.

EXT.P.8: COPY OF THE NOTICE DTD. 15/07/2000 ISSUED TO THE PETITIONER FOR REALISATION OF THE AMOUNT COVERED BY EXT. P.2. ORDER.

EXT.P.9: COPY OF THE NOTICE DTD. 15/07/2000 ISSUED TO THE PETITIONER FOR THE REALISATION OF THE AMOUNT IN EXT.P.3. ORDER.

EXT.P.10: COPY OF THE NOTICE DTD. 15/07/2000 ISSUED TO THE PETITIONER FOR THE REALISATION OF THE AMOUNT COVERED BY EXT.P.4. ORDER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.21545 of 2000-M

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Dated this the 6th day of September, 2007.

JUDGMENT

1. Learned Government Pleader takes notice for respondents 1, 2, 4 and 5. Adv.Sri.P.Ramakrishnan takes notice for the third respondent. Service complete.

2. There is an interim order on C.M.P.36198/2000, whereby revenue recovery proceedings stands stayed.

3. The limited plea of the petitioner is that revenue recoery proceedings shall not be enforced during the pendency of Exts.P5, P6 and P7 appeals.

4. Having heard counsel, this writ petition is disposed of in the wake of the aforesaid interim order, in the following

manner:

a) If Exts.P5, P6 and P7 appeals are still pending, they shall be considered in accordance with law by the second respondent within an outer limit of four months from today.

b) Following the aforesaid interim order on C.M.P.36198/2000, there will be a direction that the impugned revenue recovery proceedings shall not be enforced till the disposal of the appeals.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.21545 of 2000-M

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JUDGMENT

Dated: 6th September, 2007.